



## Department of Public Safety and Correctional Services

### DIVISION OF PRETRIAL DETENTION AND SERVICES OFFICE OF THE COMMISSIONER

400 E. MADISON AVENUE • BALTIMORE, MARYLAND 21202  
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STATE OF MARYLAND

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DEPUTY COMMISSIONER

BENJAMIN F. BROWN  
ASSISTANT COMMISSIONER

February 13, 2004

The Honorable Joan Cadden  
Chair, Subcommittee on Public Safety and Administration  
Lowe House Office Building  
Room 213  
Annapolis, Maryland 21401-1991

RE: Testimony on Analyst Recommendations

Dear Delegate Cadden:

This letter is presented in response to the Analyst Recommendations before the subcommittee on February 18, 2004.

#### Safety and Security

**The Department should be prepared to discuss plans to curb the violence among the Division's population. The Department should also be prepared to discuss factors that cause the population to increase.**

As the analyst has noted, the population housed in the facilities of the Division of Pretrial Detention and Services continues to grow. Exhibit 1 in the analysis shows a continuing pattern of increasing population beginning in FY2000 that has continued even through the first seven months of FY2004. This growth peaked in November 2003 with a monthly average daily population of 4,422 (12% growth since June 2003) and remains at 4,216 as of January 2004. Both the Baltimore City Booking and Intake Center (BCBIC) and the Baltimore City Detention Center (BCDC) are housing pretrial detainees and sentenced inmates well above the operating capacity (BCBIC) and the population cap established by the federal consent decree (BCDC).

The key factors causing this continued increase in population over the past 4 years include –

- Increased arrest activity of the law enforcement agencies in the City of Baltimore, especially those activities of the Baltimore City Police Department;
- Continued improvement in the quality of charging documents prepared by law enforcement officers, and the State's Attorney reducing the number of arrestees released without charges;
- Special initiatives to target reduction of violent crimes in the community, such as the War Room;
- Arrestees remaining in custody due to higher bails being imposed;
- Increased number of cases outstanding on court dockets;
- Proportionally lower numbers of cases resolved before going to trial, compared to the increasing number of commitments;
- Increasing length of stay of detainees held for trial.

The officials and staff of the Division of Pretrial Detention and Services continue to aggressively act to reduce the violence within its facilities. The analysis is correct in stating that resident on resident violence has increased 28.9 % between FY2000 and FY2003. However, the Division's efforts in FY2003 resulted in an 8.1% **decrease** in these incidents over 2002. These efforts include –

- Reducing mass movement of detainees within the facilities;
- Using an effective disciplinary process with meaningful sanctions;
- Finding and removing instruments of violence;
- Concentrating efforts in specific housing areas where violence is more frequent;
- Requiring section and post officers to search detainees and housing areas more often and randomly for weapons and contraband;
- Closely monitoring violence through complete reporting and critical review of every incident by management;
- Giving detainees tools to change their behavior, such as anger management and meditation training.
- Increasing intelligence on local gangs and enhancing staff training to effectively use this information.

The Division expects to continuously improve, utilizing best practices that produce desired outcomes.

#### Sick Leave and Overtime

**The Department should present information on the number of overtime hours incurred due to the use of sick leave and how the number is calculated. The Department should also be prepared to discuss the overstatement of actual number of sick leave hours used.**

The Division of Pretrial Detention and Services utilizes the automated Staffing Analysis and Overtime Management system (SAOM) as the source for tracking sick leave hours used that result in overtime being incurred by correctional officers within their facilities. This system is used throughout the entire Department including the Division of Correction and the Patuxent Institution. All historical sick leave hours reported by the Department have been derived through the summarization of yearly activity within the SAOM automated system.

The overstatement of actual number of sick leave hours used, as referenced in the analyst's comments, cannot be determined at this time. As noted in the testimony during the Office of the Secretary's budget hearing, the legislative auditors briefed the committees on the results of the performance audit to determine the reliability of the Department's Staffing Analysis and Overtime Management (SAOM) system. To summarize, their findings indicated that there existed within the program some calculations which were incorrect. The second major finding was that the data integrity controls were not adequate, which allowed numerous errors in the underlying data used by SAOM in accumulating hours charged by category such as sick leave. As a result of these findings the Department is unable to explain differences in sick leave hours used by correctional officers between fiscal years.

The Department has already prepared a corrective action plan to address the findings of the legislative auditors and will have their recommendations implemented as of July 1, 2004.

#### Offender Health and Safety

**The Department should be prepared to discuss the progress of corrective action to address offender health and safety issues.**

Since the receipt of the Department of Justice's recommendations to improve offender health and safety, a number of changes have been implemented. The changes and improvements mentioned below are part of an ongoing effort to improve the overall health and safety of the offender population.

In addition to the Department of Justice recommendations, a consent decree was entered in federal court relating to conditions at the Women's Detention Center. The specific efforts in the Women's Detention Center were reported in the JCR submitted last fall. In effectuating compliance with the consent decree, additional medical staffing was provided for the women's population. By maintaining this additional staffing on a year-round basis, some of the Department of Justice issues have been addressed. This increased staffing includes 24/7 physician assistant coverage, 24/7 medical assistant coverage for intake screening, 24/7 social work coverage and 7-day per week psychiatry coverage (56 additional hours) to address the mental health needs of the population.

Aside from the additional staffing, new medical processes and better communication by the medical and custody staff at Central Booking has improved the identification of urgent and emergent medical and mental health issues of the detainee population. On-going training of officers and medical staff has been implemented to educate them on what medical and mental health issues require immediate attention and to improve service referral processes. In addition, the department has developed a plan for the treatment of drug/alcohol addiction. In accordance with that plan, a methadone maintenance program is being designed and implemented in cooperation with community partners to address those needs of the detainee population.

To address the safety issues raised by the Department of Justice, a consultant was hired to assist in improving the environmental safety of the institutions. This nationally recognized expert has helped to set up auditing processes and has trained institutional personnel in identifying problems in fire safety, sanitation, food service, and maintenance to ensure proper resolution of the problems. City health department inspectors and other public officials have noted visible improvement in safety and sanitation on recent visits to BCDC. The Division proudly displays the challenge that "sanitation is everyone's business".

Although juveniles are housed in the same buildings as adults at the Men's Detention Center, sight and sound separation for males has been significantly improved. Juvenile males are now housed in two sections that are separate from adult housing. Specialized housing for juvenile males are provided in one of these sections. The female juveniles continue to be housed in a separate dorm adjacent to adult dorms in the Women's Detention Center with partitions installed to maintain sight screening.

Capital improvements are in process at the Baltimore City Detention Center, including –

- Renovation of the HVAC at the Women's Detention Center, scheduled to begin in November 2004 and be completed in December 2005;
- Upgrade and completion of the fire suppression and alarm systems throughout the detention center.

In addition, operating funds are being expended to make improvements in laundry services, personal property storage, sprinklers, pest control and other areas. The Division continues to upgrade and enhance its plans and implementation of corrective actions in all of the areas of concern expressed by the Department of Justice and others.

Staffing

**The Department should be prepared to discuss the cost savings attributable to overtime and the use of the savings to support under funding in other DPDS categories.**

The purpose of the post analysis plan is to identify the number of posts that are required to maintain the security and operations of the institution 24hours/7days per week. The facility staffing plan is developed to ensure an adequate number of staff to man the post required for institutional safety. This study at DPDS facilities determined the required staffing was an increase of 1 position over the existing authorized number. By the nature of this analytical process, the operating safety and security is maintained.

As a result of continuous changes in population, DPDS has historically exceeded the appropriation for overtime requiring approval of deficiencies by the legislature. Anticipating the results from the recent implementation of the facility staffing plans for BCBIC and BCDC, it is projected that the Division will not have deficits in overtime in the future. The current post analysis does not anticipate population increases driven by increases in length of stay or additional arrests from new Baltimore City law enforcement initiatives. Should future population increases occur, additional positions and/or expenditures of overtime may be required.

Sincerely,

William J. Smith  
Commissioner

Cc: Mary Ann Saar, Secretary  
Mary L. Livers, Deputy Secretary for Operations  
G. Lawrence Franklin, Deputy Secretary for Administration  
Howard Ray, Jr. Deputy Commissioner  
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February 13, 2004

The Honorable James E. DeGrange, Sr.  
Chair, Subcommittee on Public Safety, Transportation and Environment  
James Senate Office Building  
Room 120  
Annapolis, Maryland 21401-1991

RE: Testimony on Analyst Recommendations

Dear Senator DeGrange:

This letter is presented in response to the Analyst Recommendations before the subcommittee on February 17, 2004.

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